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April 18, 2023

Via ECF

The Honorable Jennifer E. Willis
United States Magistrate Judge
United States District Court
40 Foley Square
New York, NY 10007

Re: Milagros Franco v. 380 Second LLC et al Docket No. 1:22-cv-04011 (PAE)(JW)

Dear Judge Willis:

We represent the plaintiff in the above-entitled case. On behalf of the plaintiff, we write to respectfully ask the Court to enforce its order, dated March 16, 2023, compelling defendant Small Door Gramercy, LLC (“Small Door”) to produce financial information (ECF Docket No. 54, “Court’s Order”).

As background, following the Court’s Order, on March 23, 2023 the parties asked for a 30-day extension of the March 31st fact discovery deadlines “since the Defendants are still in the process of gathering additional documents to complete document discovery. . . [this] would allow for Defendants to complete such production and obviate the need to call witnesses back for a second deposition should such documents be produced after the initial deposition is scheduled.” ECF Docket No. 55. The parties sought the 30-day extension based on the defendants’ agreement¹ to produce the financial documents supporting their financial affirmative defenses by April 14, 2023. A production by April 14, 2023 would also enable the parties to complete depositions within the thirty day extension. The Court So Ordered the parties request and fact discovery was extended until April 28, 2023. ECF Docket No. 56. However, defendant Small Door did not produce anything by the April 14, 2023 deadline. On April 17, 2023², counsel for plaintiff informed Defendant Small Door that nothing had been received and to please forward the discovery pursuant to this Court’s Order by the close of business the same day. There has been no response.

Plaintiff apologizes for any inconvenience but at this stage plaintiff has no other option but to raise these issues with the Court. As defendant Small Door is in violation of this Court’s Order, ECF Doc. No. 54, and is unduly delaying discovery, plaintiff respectfully asks the Court

¹ The parties’ agreement is set forth in an email exchange dated March 23, 2023.

² Additionally, on April 12, 2023, the parties had a meet and confer regarding scheduling depositions which counsel for defendant Small Door attended. Plaintiff and defendant 380 Second LLC have confirmed dates for their clients to appear for depositions. Defendant Small Door has failed to confirm a date for its deposition during the meet and confer or in follow-up emails.

to order defendant Small Door to produce the requested discovery by a date certain and to thereafter appear for a deposition at a date and time convenient for plaintiff.

Thank you for your time and attention to this matter.

very truly yours,

/s/

Susan K. Smith, Esq.